

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Earthworks

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25 November 2021

Contents

List of submitters and further submitters addressed in this report	4
Abbreviations.....	5
1. Purpose of report.....	6
2. Qualifications and experience.....	6
3. Scope of report and topic overview.....	6
4. Statutory requirements and planning framework.....	7
5. Procedural matters	9
6. Consideration of submissions	9
7. General submissions and Earthworks Overview.....	9
8. Objectives.....	11
Objective 1	13
New Objective.....	13
9. Policies	13
EW-P1.....	13
EW-P2.....	14
EW-P3.....	15
EW-P4.....	16
New EW-Policy	18
10. EW-R1 Earthworks subject to a Building Consent	19
11. EW-R2 Earthworks	20
12. EW-R5 Stockpiling.....	21
13. EW-R6 Test Pits	22
14. EW-R7 Excavation for Wells/Bores	22
15. New Rules	23
16. EW- REQ1 Volume of Earthworks	25
17. EW-REQ2 Maximum Slope Gradient.....	29
18. EW-REQ3 Excavation and Filling	30
19. EW-REQ4 Rehabilitation and Reinstatement.....	31
20. EW-REQ5 Bunding.....	33
21. Non-notification clauses	34
22. Rural Ancillary Earthworks.....	36
23. Dairy Processing Zone	40
24. Quarries.....	41
25. Subdivision	42

26. Natural Hazards.....	45
27. Conclusion.....	46

List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0032	Christchurch City Council	CCC
DPR-0068	MetroPort Christchurch (MetroPort)	MetroPort
DPR-0122	Frews Quarries Ltd	Frews Quarries
DPR-0142	New Zealand Pork Industry Board	NZ Pork
DPR-0204	JP Singh	
DPR-0207	Selwyn District Council	SDC
DPR-0208	Ngāi Tahu Property	
DPR-0209	Manmeet Singh	M Singh
DPR-0211	William Trolove	
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0215	Winstone Aggregates	Winstone
DPR-0217	Summerset Villages (Prebbleton) Limited	Summerset Villages
DPR-0260	Canterbury Regional Council	CRC
DPR-0269	Heritage New Zealand Pouhere Taonga	HNZ
DPR-0298	Trices Road Re-zoning Group	Trice Road
DPR-0301	Upper Waimakariri/Rakaia Group (UWRG)	UWRG
DPR-0353	Horticulture New Zealand	Hort NZ
DPR-0356	Aggregate and Quarry Association	
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0365	Stuart PC Limited	Stuart PC
DPR-0367	Orion New Zealand Limited	Orion
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0372	Dairy Holdings	Dairy Holdings
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	NZTA
DPR-0381	Coleridge Downs Limited	Coleridge Downs
DPR-0383	Z Energy Limited, BP Oil New Zealand Limited & Mobil Oil New Zealand Limited	Oil Companies
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0388	Craigmore Farming Services Limited	Craigmore
DPR-0390	Rakaia Irrigation Limited (RIL)	RIL
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc.	Forest & Bird
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0420	Synlait Milk Limited	Synlait Milk
DPR-0422	Federated Farmers of New Zealand - North Canterbury	NCFF
DPR-0427	Lou Sanson, Director-General of Conservation	DoC
DPR-0439	Rayonier Matariki Forests	
DPR-0441	Trustpower Limited	Trustpower
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars & Gould
DPR-0460	Marama Te Wai Ltd	Marama Te Wai

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CRPS	Canterbury Regional Policy Statement 2013
IMP	Mahaanui Iwi Management Plan 2013
Planning Standards	National Planning Standards
NPS-UD	National Policy Statement on Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
NPSET	National Policy Statement on Electricity Transmission
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
RMA or Act	Resource Management Act 1991
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NESETA	National Environmental Standards for Electricity Transmission Activities
NESFM	National Environmental Standards for Freshwater Management
NESTF	National Environmental Standard for Telecommunication Facilities 2015
NESPF	National Environmental Standards for Plantation Forestry

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the Earthworks chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:
- [Overview s42A report](#) that addresses the higher order statutory planning and legal context, prepared by Mr Robert Love
 - [s42A report on Strategic Directions](#), also prepared by Mr Robert Love
 - [Part 1 s42A report](#) prepared by Ms Jessica Tuilaepa
 - [Energy and Infrastructure s42A report](#) prepared by Ms Vicki Barker
 - [Transport s42A report](#) prepared by Mr Jon Trewin
 - [Hazardous Substances & Contaminated Land s42A report](#), prepared by Ms Jocelyn Lewes
 - [Historic Heritage and Notable Trees s42A report](#), prepared by Mr Andrew Mactier
 - [Natural Hazards s42A report](#), prepared by Ms Rachael Carruthers
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Ryan Michael Mayes I am employed by the Council as a Resource Management Planner. My qualifications include a Bachelor of Arts from Canterbury University and a Masters in Urban Planning from the University of Auckland.
- 2.2 I have 5 years' experience as a resource management planner, with this work including processing resource consent applications, both district and regional.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the Earthworks chapter. In addition, the provisions in the following chapters relating to the management of earthworks are also addressed:

- Part 1: Interpretation – Definitions
- Part 2: Energy and Infrastructure
- Part 2: Subdivision
- Part 2: Natural Hazards

3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted. Appendix 2 also contains a table setting out any recommended spatial amendments to the PDP Planning Maps.

3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16 (2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

4. Statutory requirements and planning framework

Resource Management Act 1991

4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations¹. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.

4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.

4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:

- [Strategic Directions](#)

¹ Section 74 RMA

- [Earthworks](#)
- [Section 32: Overview](#)

- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

National Policy Statements and National Environmental Standards

- 4.5 The National Policy Statement on Electricity Transmission (NPSET) and National Policy Statement for Freshwater Management (NPSFM) are relevant to this topic as they establish a policy framework that it is appropriate to recognise in the development of the earthworks related policy framework of the PDP. While the NESET does not contain any earthworks specific objectives and policies, the policy framework of the NPSET aims to ensure that the environmental effects associated with electricity transmission infrastructure is avoided, remedied or mitigated where possible. These effects are addressed in the Energy and Infrastructure of the PDP. The NPSFM addresses issues relating to water quality and quantity in relation to New Zealand's waterbodies, including groundwater. While water quality effects on groundwater are largely managed by the regional council, the need to ensure that groundwater quality is maintained or improved is relevant to the earthworks provisions of the PDP.
- 4.6 It is noted that the National Environmental Standards for Air Quality 2004 (amended 2011) (NESAQ) does not address dust and therefore is not relevant to this topic.

National Environmental Standards for Plantation Forestry

- 4.7 The National Environmental Standards for Plantation Forestry (NESPf) applies to plantation forestry activities. Its intention is to provide consistent rules across the country by setting planning requirements for certain specified activities. It covers 8 core plantation forestry activities, allowing these to be carried out as permitted activities, subject to conditions to manage potential effects on the environment.
- 4.8 The NESPf is directly relevant to the PDP and Earthworks Chapter, as it permits earthworks relating to plantation forestry activities, at the territorial authority level. Therefore any earthworks that are undertaken under the NESPf are not required to meet the rules of the EW chapter in the PDP.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- 4.9 The NESCS is directly relevant to the earthworks provisions of the proposed SDP as it establishes a regulatory framework for the sampling of and disturbance (i.e., earthworks) of contaminated soils.

National Planning Standards

- 4.10 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance to the Planning Standards.
- 4.11 The Planning Standards require that if provisions for managing earthworks are addressed, they must be located in the Earthworks chapter, which must include cross-references to any provisions for mining, quarries and or gravel extraction in a Special purpose zone or zone chapter or section.

- 4.12 The Planning Standards also contain definitions of ‘cleanfill’, ‘earthworks’ and ‘land disturbance’ which are relevant to the Earthworks Chapter

5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

6. Consideration of submissions

Overview of submissions

- 6.1 There were 32 submissions and 25 further submissions that relate to the Earthworks Chapter. These generated around 166 I submission points and 157 further submission points assigned to be heard in the Earthworks hearing stream.
- 6.2 The most common theme relates to including specific reference to particular activities. Other common themes include increasing permitted volumes of earthworks and changing of wording for clarification. Overall, it is considered that no significant issues have been raised with the Chapter and the amendments sought are considered to be relatively minor refinements.

Structure of this report

- 6.3 The report has been structured in accordance with the Chapter Structure and follows that sequence. Matters that relate to the chapter as a whole or multiple sections are addressed in separate sections towards the end of the report. Requested new provisions have been addressed subsequent to related provisions to avoid repetition.

7. General submissions and Earthworks Overview

Submissions

- 7.1 11 submissions points and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	094	EW	Oppose In Part	Amend provisions of the plan to consolidate all earthworks provisions into the Earthworks Chapter.
DPR-0260	CRC	146	New	Support In Part	Include an advice note or other mechanism that provides clarity that these rules do not apply within the beds of lakes and rivers or within the CMA.
DPR-0422	NCFE	FS191	New	Support	Allow submission point.
DPR-0269	HNZ	026	EW-Overview	Support	Retain the advice note included in the Earthworks Chapter Overview referring to the HNZPTA 2014 as notified.
DPR-0353	Hort NZ	203	EW-Overview	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	242	EW-Overview	Support	Retain as notified
DPR-0363	IRHL	231	EW-Overview	Support	Retain as notified
DPR-0374	RIHL	237	EW-Overview	Support	Retain as notified
DPR-0383	Oil Companies	017	EW-Overview	Support In Part	Amend Overview as follows: Resource consents may also be required for earthworks associated with <u>under removal of contaminants regulated by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. In particular the NES applies to the removal or replacement of fuel storage tanks, sampling or disturbance of land identified in the current edition of the Hazardous Activities and Industries List. In such situations Where the provisions of the NES apply, not the District Plan earthworks provisions do not apply.</u>
DPR-0384	RIDL	249	EW-Overview	Support	Retain as notified.
DPR-0422	NCFF	226	EW-Overview	Support	Retain as notified
DPR-0439	Rayonier Matariki Forests	003	EW	Oppose	Amend to clearly identify the application of the NESPF where there are rules that affect Plantation Forestry Activities.

Analysis

- 7.2 ESAI² seeks that all provisions relating to earthworks are located within the EW chapter. This is not supported as the structure of the PDP is that the certain chapters be self-contained as directed by the Planning Standards. It is recommended that this submission point be rejected.
- 7.3 Oil Companies³ seek to amend the wording of the Overview that relates to the interaction between the Earthworks chapter and the NESCS. It is recommended that the submission point be rejected as the amended changes sought unnecessarily replicate information found in the NESCS. Furthermore the earthworks rules still apply when the provision of the NESCS are triggered, as they relate to different environmental effects that must still be appropriately managed.
- 7.4 Rayonier Matariki Forests⁴ seeks to amend the Overview section to reference the NESPF. As the Overview already includes reference to the NESPF it is considered that this has already been achieved and therefore I recommend that this submission point be accepted in part.

² DPR-0212.094 ESAI

³ DPR-0383.017 Oil Companies

⁴ DPR-0439.003 Rayonier Matariki Forests

7.5 CRC⁵ seeks to include clarity within the Earthworks chapter that the rules do not apply to earthworks within the beds of lakes and rivers and within the CMA. To provide clarity for plan users, particularly lay people, it is considered appropriate to include the note sought by CRC. I therefore recommend that this submission point be accepted.

7.6 HNZ, Hort NZ, RWRL, IRHL, RIDL and NCFF⁶ all seek to retain the Overview section as notified. On the basis that I have recommended changes to the Overview, I recommend that these submissions be accepted in part.

Recommendations and amendments

7.7 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend the EW- Overview as shown in **Appendix 2** to provide better clarity.

7.8 The amendments recommended to EW-Overview are set out in a consolidated manner in Appendix 2.

7.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

7.10 The scale of change does not require a s32AA evaluation.

8. Objectives

Submissions

8.1 Ten submissions points and 17 further submission points were received in relation to the EW- Objectives section.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	143	EW-O1	Support	Retain as notified.
DPR-0358	RWRL	243	EW-O1	Support In Part	Amend as follows: Earthworks are undertaken in a manner that <u>avoids significant and manages other limits</u> -adverse effects on the surrounding environment.
DPR-0414	Kāinga Ora	FS023	EW-O1	Support In Part	Not specified
DPR-0363	IRHL	232	EW-O1	Support In Part	Amend as follows: Earthworks are undertaken in a manner that <u>avoids significant and manages other limits</u> -adverse effects on the surrounding environment.
DPR-0367	Orion	113	New	Neither Support Nor Oppose	Insert as follows: <u>Earthworks facilitate the provision of important infrastructure.</u>
DPR-0375	NZTA	FS158	New	Support	Accept – though could be amended to refer to regionally significant infrastructure.

⁵ DPR-0260.146 CRC

⁶ DPR-0269.026 HNZ, DPR-0353.203 Hort NZ, DPR-0358.242 RWRL, DPR-0363.436 IRHL, DPR-0384.249 RIDL and DPR-439.003 NCFF

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0407	Forest & Bird	FS682	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	NCCF	FS082	New	Oppose In Part	Disallow in full.
DPR-0372	Dairy Holdings	090	EW-O1	Neither Support Nor Oppose	Retain as notified
DPR-0374	RIHL	238	EW-O1	Support In Part	Amend as follows: Earthworks are undertaken in a manner that <u>avoids significant and manages other limits</u> adverse effects on the surrounding environment.
DPR-0375	NZTA	FS161	EW-O1	Support	Consider amending to reflect the requested wording, or similar.
DPR-0384	RIDL	250	EW-O1	Support In Part	Amend as follows: Earthworks are undertaken in a manner that <u>avoids significant and manages other limits</u> adverse effects on the surrounding environment.
DPR-0390	RIL	067	EW-O1	Neither Support Nor Oppose	Retain as notified.
DPR-0422	NCCF	227	EW-O1	Support In Part	Amend as follows: Earthworks are undertaken in a manner that <u>is appropriate for its limits</u> adverse effects on the surrounding environment.
DPR-0358	RWRL	FS143	EW-O1	Support	Adopt
DPR-0363	IRHL	FS143	EW-O1	Support	Adopt
DPR-0374	RIHL	FS143	EW-O1	Support	Adopt
DPR-0384	RIDL	FS143	EW-O1	Support	Adopt
DPR-0407	Forest & Bird	FS142	EW-O1	Oppose In Part	Reject the submission
DPR-0427	DoC	083	EW-O1	Oppose	Amend as follows: Earthworks are undertaken in a manner that <u>limits avoids or minimises</u> adverse effects on the surrounding environment.
DPR-0301	UWRG	FS224	EW-O1	Support	Allow in full
DPR-0358	RWRL	FS144	EW-O1	Oppose	Reject
DPR-0363	IRHL	FS144	EW-O1	Oppose	Reject
DPR-0374	RIHL	FS144	EW-O1	Oppose	Reject
DPR-0384	RIDL	FS144	EW-O1	Oppose	Reject
DPR-0407	Forest & Bird	FS249	EW-O1	Support	Accept the submission
DPR-0422	NCCF	FS023	EW-O1	Oppose	Disallow the submission point

Analysis

Objective 1

- 8.2 The submission points of CRC, Dairy Holdings and RIL⁷ all seek that the provision be retained as notified. Given my recommendation below, I recommend that these submission points be accepted in part.
- 8.3 The submission points of RWRL, IRHL, RIHL, RIDL, NCFF and DoC⁸ all seek to replace the usage of the word 'limits' with various wordings. It is considered that 'avoids significant and minimises other' is considered more appropriate wording, as it provides better clarity of the outcomes sought. I recommend that these submission points be accepted in part.

New Objective

- 8.4 Orion⁹ have requested a new objective to provide for important infrastructure. It is recommended that the submission point be rejected as the EI chapter is designed to be Self Contained, and so earthworks related to important infrastructure are addressed under that chapter. The inclusion of a policy relating to Important Infrastructure in the EW chapter would therefore create unnecessary confusion about the EW chapters relation to matters it is not intended to cover.
- 8.5 It is recommended that the Orion submission point be rejected.

Recommendations and amendments

- 8.6 I recommend, for the reasons given above, that the Hearings Panel amend EW-O1 as shown in Appendix 2 to better clarify the outcomes sought.
- 8.7 I recommend, for the reasons given above, that the Hearings Panel do not include an additional objective.
- 8.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 8.9 The scale of change does not require a s32AA evaluation.

9. Policies

EW-P1

Submissions

- 9.1 Six submissions points were received in relation to EW-P1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	244	Support	Retain as notified
DPR-0363	IRHL	233	Support	Retain as notified
DPR-0372	Dairy Holdings	091	Support	Retain as notified
DPR-0374	RIHL	239	Support	Retain as notified
DPR-0384	RIDL	251	Support	Retain as notified
DPR-0390	RIL	068	Neither Support Nor Oppose	Retain as notified.

⁷ DPR0262.143 CRC, DPR0372.090 Dairy Holdings, DPR0390.067 RIL

⁸ DPR0358.243 RWRL, DPR0363.232 IRHL, DPRDPR0374.238 RIHL, DPR0384.250 RIDL, DPR0422.227 NCFF, DPR0427.083 DoC

⁹ DPR0367.113 Orion

Analysis

- 9.2 RWRL, IRHL, Dairy Holdings, RIHL, RIDL and RIL¹⁰ support EW-P1 as notified. I recommend these submission points be accepted.

Recommendation

- 9.3 I recommend, for the reasons given above, that the Hearings Panel retain EW-P1 as notified.
- 9.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

EW-P2

Submissions

- 9.5 Eight submissions points and two further submission points were received in relation to EW-P2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	144	Support	Retain as notified.
DPR-0358	RWRL	245	Support In Part	Amend as follows: <u>Control, and where necessary restrict</u> Restrict earthworks on steeper slopes and at high altitudes to maintain the landscape character and reduce the likelihood of land slipping or slumping.
DPR-0363	IRHL	234	Support In Part	Amend as follows: <u>Control, and where necessary restrict</u> Restrict earthworks on steeper slopes and at high altitudes to maintain the landscape character and reduce the likelihood of land slipping or slumping.
DPR-0372	Dairy Holdings	092	Neither Support Nor Oppose	Retain as notified
DPR-0374	RIHL	240	Support In Part	Amend as follows: <u>Control, and where necessary restrict</u> Restrict earthworks on steeper slopes and at high altitudes to maintain the landscape character and reduce the likelihood of land slipping or slumping.
DPR-0384	RIDL	252	Support In Part	Amend as follows: <u>Control, and where necessary restrict</u> Restrict earthworks on steeper slopes and at high altitudes to maintain the landscape character and reduce the likelihood of land slipping or slumping.
DPR-0390	RIL	069	Neither Support Nor Oppose	Retain as notified.
DPR-0422	NCFF	229	Oppose	Delete as notified
DPR-0375	NZTA	FS166	Oppose	Retain as notified.
DPR-0407	Forest & Bird	FS143	Oppose	Reject the submission

Analysis

¹⁰ DPR-0358.233 RWRL, DPR-0363.233 IRHL, DPR0372.091 Dairy Holdings, DPR0374.239 RIHL, DPR0384.251 RIDL and DPR0390.068 RIL

- 9.6 RWRL, IRHL, Dairy Holdings, RIHL, and RIDL¹¹ seeks to replace the wording ‘restrict’ with ‘control, and where necessary restrict’. This policy seeks to discourage earthworks on slopes and higher altitude areas, where possible, as earthworks in these areas can result greater adverse effects than what would occur if undertaken in other areas. The use of the term ‘restrict’ is therefore the most appropriate term to achieve this outcome. I therefore recommend that these submission points be rejected.
- 9.7 NCFF¹² oppose the inclusion of this policy and seek to delete the policy as notified. The submission position is that it unnecessarily overlaps and complicates both Policy 1 and Policy 4 of the chapter. The intent of this policy is to highlight the landscape values of the hills and mountains of the district and the increased potential for these values to be compromised through earthworks. It also identifies additional geotechnical effects of earthworks within these areas that are not experienced on the plains. This policy supports and complements Policies 1 and 4 and therefore I recommend that this submission be rejected.
- 9.8 CRC, Dairy Holdings and RIL¹³ support EW-P2 as notified. I recommend these submission points be accepted.

Recommendation

- 9.9 I recommend, for the reasons given above, that the Hearings Panel retain EW-P2 as notified.
- 9.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

EW-P3

Submissions

- 9.11 Eight submissions points and two further submission points were received in relation to EW-P3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	145	Support	Retain as notified.
DPR-0358	RWRL	246	Support	Retain as notified
DPR-0363	IRHL	235	Support	Retain as notified
DPR-0372	Dairy Holdings	093	Support	Retain as notified
DPR-0374	RIHL	241	Support	Retain as notified
DPR-0384	RIDL	253	Support	Retain as notified
DPR-0390	RIL	070	Neither Support Nor Oppose	Retain as notified.
DPR-0427	DoC	084	Support	Retain as notified.
DPR-0301	UWRG	FS225	Support	Allow in full
DPR-0407	Forest & Bird	FS250	Support	Accept the submission

Analysis

¹¹ DPR-0358.245 RWRL, DPR0363.234 IRHL, DPR-0372.092 Dairy Holdings, DPR-0374.240 RIHL, and DPR-0384.0252 RIDL

¹² DPR-0422.0229 NCFF

¹³ DPR-0260.144 CRC, DPR-0372.0092 Dairy Holdings and DPR-0390.0069 RIL

- 9.12 CRC, RWRL, IRHL, Dairy Holdings, RIHL, RIDL, RIL and DoC¹⁴ support EW-P3 as notified. I recommend these submission points be accepted.

Recommendation

- 9.13 I recommend, for the reasons given above, that the Hearings Panel retain EW-P3 as notified.
- 9.14 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

EW-P4

Submissions

- 9.15 13 submissions points and 20 further submission points were received in relation to EW-P4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	037	Oppose	Clarify the intent of policy and reword accordingly.
DPR-0375	NZTA	FS341	Oppose In Part	<i>Waka Kotahi would want to ensure that if the policy was replaced or amended the opportunity is made for all parties to consider any proposed changes.</i>
DPR-0217	Summerset Villages	018	Oppose	Clarify intent of policy and reword accordingly.
DPR-0358	RWRL	FS145	Support	Adopt
DPR-0363	IRHL	FS145	Support	Adopt
DPR-0374	RIHL	FS145	Support	Adopt
DPR-0384	RIDL	FS145	Support	Adopt
DPR-0353	Hort NZ	205	Oppose In Part	Amend to recognise that during earthworks it may in some cases be appropriate that there are effects on short-term amenity - however require mitigation of effects.
DPR-0358	RWRL	FS146	Support	Adopt
DPR-0363	IRHL	FS146	Support	Adopt
DPR-0374	RIHL	FS146	Support	Adopt
DPR-0384	RIDL	FS146	Support	Adopt
DPR-0356	Aggregate and Quarry Association	006	Oppose	Reword the policy to remove ambiguity
DPR-0358	RWRL	FS147	Support	Adopt
DPR-0363	IRHL	FS147	Support	Adopt
DPR-0374	RIHL	FS147	Support	Adopt
DPR-0384	RIDL	FS147	Support	Adopt
DPR-0358	RWRL	247	Support In Part	Amend as follows: Require that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks <u>is appropriately managed, accounting for</u> does not detract from the amenity values and quality of the environment.

¹⁴ DPR-0260.145 CRC, DPR-0358.246 RWRL, DPR0363.235 IRHL, DPR-0372.093 Dairy Holdings, DPR-0374.241 RIHL, DPR-0384.253 RIDL and DPR-0390.70 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0363	IRHL	236	Support In Part	Amend as follows: Require that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks <u>is appropriately managed, accounting for</u> does not detract from the amenity values and quality of the environment.
DPR-0372	Dairy Holdings	094	Support In Part	Amend as follows: Require <u>Ensure</u> that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks does not detract from the amenity values and quality of the environment.
DPR-0374	RIHL	242	Support In Part	Amend as follows: Require that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks <u>is appropriately managed, accounting for</u> does not detract from the amenity values and quality of the environment.
DPR-0384	RIDL	254	Support In Part	Amend as follows: Require that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks <u>is appropriately managed, accounting for</u> does not detract from the amenity values and quality of the environment.
DPR-0388	Craigmore	048	Support In Part	Amend as follows: Require <u>Ensure</u> that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks does not detract from the amenity values and quality of the environment.
DPR-0390	RIL	071	Neither Support Nor Oppose	Retain as notified.
DPR-0422	NCFF	230	Oppose	Delete as notified.
DPR-0375	NZTA	FS167	Oppose	Retain as notified.
DPR-0407	Forest & Bird	FS144	Oppose	Reject the submission
DPR-0422	NCFF	231	Support In Part	Amend to recognise that during earthworks it may in some cases be appropriate that there are effects on short-term amenity, however require mitigation of effects.
DPR-0358	RWRL	FS148	Support	Adopt
DPR-0363	IRHL	FS148	Support	Adopt
DPR-0374	RIHL	FS148	Support	Adopt
DPR-0384	RIDL	FS148	Support	Adopt
DPR-0407	Forest & Bird	FS145	Oppose	Reject the submission

Analysis

- 9.16 HORTNZ, RWRL, RIHL, RIDL and NCFF¹⁵ seek to amend the policy to acknowledge that effects are unavoidable during works and instead should be appropriately managed. RWRL, RIHL, and RIDL¹⁶ propose specific wording to achieve this. I recommend that Hort NZ and NCFF submissions be accepted and RWRL, RIHL, and RIDL submissions be accepted in part, as requiring no effects on amenity occur could unreasonably restrict earthworks from occurring.
- 9.17 In addition to their submission above NCFF¹⁷ also sought to delete EW-P4 as it overlaps with EW-P1 and EW-P2. While it is acknowledged the policies are connected, P4 expands on P1 and provides necessary further clarity on the effects that need to be addressed, both during earthworks and after. It is therefore recommended that this submission is rejected.
- 9.18 Winstone, Summerset Villages, and Aggregate and Quarry Association¹⁸ seek that EW-P4 be reworded to clarify the intent of the policy. These submitters are of the position that the policy's current wording is ambiguous as to its intent. The purpose of the policy is to identify that effects resulting from earthworks can occur both during and after earthwork activities occur, and therefore must be appropriately managed at all stages. It is considered that alternative wording would better clarify this. I therefore recommend that these submissions be accepted.
- 9.19 Dairy Holdings, and Craigmere¹⁹ seek to switch 'require' with 'ensure'. Given the rewording suggested, the use of either term is no longer necessary and therefore it is recommended that these submission points be rejected.
- 9.20 RIL²⁰ supports EW-P4 as notified. It is recommended that this submission point be accepted in part on the basis that I have recommended that the policy be amended.

Recommendations and amendments

- 9.21 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EW-P4 as shown in Appendix 2 to provide better clarity and improve user understanding.
- 9.22 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 9.23 The scale of change does not require a s32AA evaluation.

New EW-Policy

Submissions

- 9.24 Two submissions points and eight further submission points were received in relation to a new EW policy.

¹⁵ DPR-0353.205 HORTNZ, DPR-0358.247 RWRL, DPR-0374.242 RIHL, DPR-0384.254 RIDL and DPR-0422.230 & 231 NCFF

¹⁶ DPR-0358.247 RWRL, DPR-0374.242 RIHL, and DPR-0384.254 RIDL

¹⁷ DPR0422.230 NCFF

¹⁸ DPR-0215.039 Winstone, DPR-0217.018 Summerset Villages, and DPR0356.006 Aggregate and Quarry Association

¹⁹ DPR-0372.094 Dairy Holdings, and DPR-0388.048 Craigmere

²⁰ DPR-0390.071 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	114	Neither Support Nor Oppose	Insert as follows: <u>Avoid earthworks and land disturbance activities within the vicinity of Significant Electricity Distribution Lines.</u>
DPR-0353	Hort NZ	FS025	Oppose In Part	Reject inclusion of land disturbance activities
DPR-0375	NZTA	FS159	Oppose	Reject or amend to include an exception for other infrastructure works.
DPR-0407	Forest & Bird	FS683	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora	FS027	Oppose	Not specified
DPR-0422	NCFF	FS083	Oppose In Part	Disallow in part. There should be some management regime but not outright avoidance.
DPR-0367	Orion	115	Neither Support Nor Oppose	Insert a new policy as follows: <u>Recognise that earthworks are necessary for subdivision, use and development, the provision of important infrastructure and hazard mitigation.</u>
DPR-0375	NZTA	FS160	Support	Include as proposed by the submitter or amend to refer to regionally significant infrastructure.
DPR-0407	Forest & Bird	FS684	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	NCFF	FS084	Oppose In Part	Disallow in part. The terminology 'important infrastructure' should be replaced with critical or regionally significant infrastructure.

Analysis

- 9.25 Orion²¹ seeks to include a policy to avoid earthworks in the vicinity of Significant Electricity Distribution Lines. It is recommended that the submission point be rejected as policies relating to distribution lines are most appropriately addressed in the EI chapter, which already includes rules relating to protecting the operation and security of important infrastructure.
- 9.26 Orion²² seeks to include a policy to recognise the necessity of some activities. It is recommended that the submission point be rejected as earthworks are necessary for a wide range of activities, which is inherent within the objective and policies of the chapter.

Recommendation

- 9.27 I recommend, for the reasons given above, that the Hearings Panel do not insert the additional policies requested by Orion, as set out above.
- 9.28 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10. EW-R1 Earthworks subject to a Building Consent

Submissions

²¹ DPR-0367.114 Orion

²² DPR-0367.115 Orion

10.1 Nine submissions points and two further submission points were received in relation to EW-R1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0204	JP Singh	003	Support	Retain as notified
DPR-0217	Summerset Villages	019	Support	Retain as notified
DPR-0358	RWRL	248	Support	Retain as notified
DPR-0363	IRHL	237	Support	Retain as notified
DPR-0372	Dairy Holdings	095	Support	Retain as notified
DPR-0374	RIHL	243	Support	Retain as notified
DPR-0384	RIDL	255	Support	Retain as notified
DPR-0390	RIL	072	Support	Retain as notified.

Analysis

10.2 JP Singh, Summerset Villages, RWRL, IRHL, Dairy Holdings, RIHL, RIDL and RIL²³ are seeking that EW-R1 be retained as notified. It is recommended that these submissions be accepted.

Recommendation

- 10.3 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 10.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11. EW-R2 Earthworks

Introduction

11.1 This section responds to the submission points relating to general earthworks, not associated with a building consent.

Submissions

11.2 Fifteen submissions points and three further submission points were received in relation to EW-R2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	031	Support	Retain as notified.
DPR-0215	Winstone	038	Support	Retain as notified
DPR-0217	Summerset Villages	020	Support	Retain as notified
DPR-0358	RWRL	249	Support	Retain as notified
DPR-0363	IRHL	238	Support	Retain as notified
DPR-0372	Dairy Holdings	096	Support	Retain provided the relief sought in relation to DPR-0372.098 is granted.
DPR-0374	RIHL	244	Support	Retain as notified
DPR-0381	Coleridge Downs	010	Support	Retain as notified
DPR-0407	Forest & Bird	FS517	Oppose	Reject the submission

²³ DPR0204.003 JP Singh, DPR0217.019 Summerset Villages , DPR0358.248 RWRL, DPR0363.237 IRHL, DPR0372.095 Dairy Holding, DPR0374.243 RIHL, DPR0384.255 RIDL and DPR0393.072 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0384	RIDL	256	Support	Retain as notified
DPR-0388	Craigmore	049	Support	Retain as notified provided the relief sought in relation to EW-REQ1 is granted.
DPR-0390	RIL	073	Support	Retain as notified provided, the relief sought in relation to EW-REQ1 is granted.
DPR-0422	NCCF	233	Support	Retain, subject to including a specific rule for ancillary rural earthworks. Make any consequential amendments.
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS147</i>	<i>Oppose</i>	<i>Reject the submission</i>
DPR-0439	Rayonier Matariki Forests	006	Oppose In Part	Amend to insert advice that the provisions do not apply to earthworks in Plantation Forests.
DPR-0441	Trustpower	135	Support In Part	Retain as notified provided that relief sought for the EW-REQs accepted.

Analysis

- 11.3 Rayonier Matariki Forests²⁴ seeks the rule be amended to clarify that this rule does not apply to earthworks in plantation forests. It is noted that in the Overview section of the chapter, it is identified that all rules within the chapter do not apply to plantation forestry that are regulated under the National Environmental Standards for Plantation Forestry (NESPf). Therefore including the relief sought would result in unnecessary duplication. It is therefore recommended that Rayonier Matariki Forests submission point be rejected.
- 11.4 NZ Pork, Winstone, Summerset Villages, RWRL, IRHL, RIHL, Coleridge Downs & RIDL²⁵ all are seeking that the rule be retained as notified, which is recommended to be accepted.
- 11.5 Hort NZ, Dairy Holdings, Craigmore, RIL, NCCF & Trustpower²⁶ all are seeking that the rule be retained as notified, subject to relief being granted on other rules and requirements within the chapter. These are discussed in the relevant sections. I therefore recommend that these submission points be accepted in part.

Recommendation

- 11.6 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

12. EW-R5 Stockpiling

Introduction

- 12.1 This section responds to the submission points relating to the storage of earth materials.

Submissions

²⁴ DPR0439.006 Rayonier Matariki Forests

²⁵ DPR-0142.031 NZ Pork, DPR0215.038 Winstone, DPR0217.020 Summerset Villages, DPR0385.249 RWRL, DPR0363.238 IRHL, DPR0374.244 RIHL, DPR0381.010 Coleridge Downs & DPR0384.256 RIDL

²⁶ DPR-0353.208 Hort NZ, DPR-0372.096 Dairy Holdings, DPR-0388.049 Craigmore, DPR-0390.073 RIL, DPR-0422.233 NCCF & DPR-0441.135 Trustpower

12.2 Five submissions points were received in relation to EW-R5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	039	Support	Retain as notified
DPR-0358	RWRL	250	Support	Retain as notified
DPR-0363	IRHL	239	Support	Retain as notified
DPR-0374	RIHL	245	Support	Retain as notified
DPR-0384	RIDL	257	Support	Retain as notified

Analysis

12.3 RWRL, IRHL, RIHL, RIDL and Winstone²⁷ all support EW-R5 and seek that it be retained as notified.

Recommendation

12.4 I recommend that the Hearings Panel retain the provision as notified.

12.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13. EW-R6 Test Pits

Introduction

13.1 This section responds to the submission points relating to test pits associated with a geotechnical contaminated land assessment.

Submissions

13.2 Four submissions points were received in relation to EW-R6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	251	Support	Retain as notified
DPR-0363	IRHL	240	Support	Retain as notified
DPR-0374	RIHL	246	Support	Retain as notified
DPR-0384	RIDL	258	Support	Retain as notified

Analysis

13.3 RWRL, IRHL, RIHL, and RIDL²⁸ all support EW-R5 and seek that it be retained as notified.

Recommendation

13.4 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

13.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

14. EW-R7 Excavation for Wells/Bores

Submissions

²⁷ DPR-0358.250 RWRL, DPR-0363.239 IRHL, DPR-0374.245 RIHL, DPR-0384.257 RIDL and DPR-0215.039 Winstone

²⁸ DPR-0358.251 RWRL, DPR-0363.240 IRHL, DPR-0374.246 RIHL, and DPR-0384.258 RIDL

14.1 Seven submissions points were received in relation to EW-R7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	032	Support	Retain as notified.
DPR-0358	RWRL	252	Support	Retain as notified
DPR-0363	IRHL	241	Support	Retain as notified
DPR-0372	Dairy Holdings	097	Support	Retain as notified
DPR-0374	RIHL	247	Support	Retain as notified
DPR-0384	RIDL	259	Support	Retain as notified
DPR-0390	RIL	074	Support	Retain as notified.

Analysis

14.2 NZ Pork, RWRL, IRHL, RIHL, Dairy Holdings, RIDL and RIL²⁹ all support EW-R5 and seek that it be retained as notified.

Recommendation

14.3 I recommend, therefore, that the Hearings Panel retain the provision as notified.

14.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15. New Rules

Submissions

15.1 One submission point and five further submission points were received in relation to the request for a new rule.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	117	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>Earthworks, Land disturbance and Significant Electricity Distribution Lines</u></p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>1. Earthworks or land disturbance in the vicinity of Significant Electricity Distribution Lines.</u></p> <p><u>Where:</u></p> <p><u>a. Earthworks are undertaken for a network utility required for an electricity distribution activity near a Significant Electricity Distribution Line</u></p> <p><u>b. Land disturbance undertaken as part of agricultural or domestic cultivation near a Significant Electricity Distribution Line</u></p> <p><u>c. Land Disturbance as part of the repair, sealing or resealing of a road, footpath, drive or farm track near a Significant Electricity Distribution Line</u></p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>2. Earthworks or land disturbance near the Significant</u></p>

²⁹ DPR-0142.032 NZ Pork, DPR-0358.252 RWRL, DPR-0363.214 IRHL, DPR-0374.247 RIHL, DPR-0372.097 Dairy Holdings, DPR-0384.259 RIDL and DPR-0390.074 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<p><u>Electricity Distribution Line (Islington to Springston) not permitted above.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is setback at least 10m from the centreline of as shown on the planning maps or;</u></p> <p><u>b. Meet the following requirements:</u></p> <p><u>i. be no deeper than 300mm within 6 metres of a foundation of the electricity distribution line support structure; and</u></p> <p><u>ii. be no deeper than 3m between 6 and 10 metres from the foundation of the electricity distribution line support structure; and</u></p> <p><u>iii. not destabilise an electricity distribution line support structure; and</u></p> <p><u>iv. not result in a reduction in the ground to conductor clearing distances below what is required by Table 4 in the NZECP 34:2001.</u></p> <p><u>c. The earthworks meet the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34.2001);</u></p> <p><u>Activity Status when Compliance not achieved with clauses a, b and c above: NC</u></p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>3. Earthworks or land disturbance near Other Significant Electricity Distribution Lines not permitted above.</u></p> <p><u>Where:</u></p> <p><u>a. The activity is setback at least 5m from the centreline of the Significant Electricity Distribution Line as shown on the planning maps or;</u></p> <p><u>b. Meet the following requirements:</u></p> <p><u>i. be no deeper than 300mm within 2.2m metres of a foundation of the electricity distribution line support structure; and</u></p> <p><u>ii. be no deeper than 0.75m between 2.2 and 5 metres from the foundation of a the electricity distribution line support structure; and</u></p> <p><u>iii. not destabilise an electricity distribution line support structure; and</u></p> <p><u>iv. does not result in a reduction in the ground to conductor clearing distances below what is required by Table 4 in the NZECP 34:2001.</u></p> <p><u>v. The earthworks meet the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34.2001);</u></p> <p><u>c. The earthworks meet the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34.2001);</u></p> <p><u>Activity Status when Compliance not achieved with clauses a, b and c above: NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from EW-RXX shall not be subject to public notification and shall be limited notified to the following parties: the network utility</u></p>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</u>
DPR-0353	Hort NZ	FS026	Oppose	Reject
DPR-0407	Forest & Bird	FS686	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora	FS028	Oppose	Not specified
DPR-0422	NCCF	FS085	Oppose	Disallow the submission point.
DPR-0439	Rayonier Matariki Forests	FS021	Oppose	Decline

Analysis

- 15.2 Orion³⁰ seeks the inclusion of a rules permitting earthworks within the vicinity of Significant Electricity Distribution Lines. Activities relating to Significant Electricity Distribution Lines and utilities are addressed in the EI chapter, which is designed as a self-contained chapter for all energy, transport and infrastructure works and activities unless relating specifically to a Special Purpose Zone. As the EI chapter does not specifically direct the reader to the EW chapter, any activity undertaken under the EI chapter would not be subject to the EW chapter rules.

Recommendation

- 15.3 I recommend, for the reasons given above, that the Hearings Panel do not insert the new rule requested by Orion, as set out above.
- 15.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16. EW- REQ1 Volume of Earthworks

Submissions

- 16.1 17 submissions points and 20 further submission points were received in relation to EW-REQ1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort	016	Support	Retain as notified.
DPR-0142	NZ Pork	033	Support	Retain as notified.
DPR-0204	JP Singh	004	Support	Retain as notified
DPR-0208	Ngāi Tahu Property	004	Oppose	Amend Table 1: Earthworks Volumes by Zone General Industrial Zone 1000 <u>5000</u> m ³
DPR-0358	RWRL	FS149	Support	Adopt
DPR-0363	IRHL	FS149	Support	Adopt
DPR-0374	RIHL	FS149	Support	Adopt
DPR-0384	RIDL	FS149	Support	Adopt
DPR-0211	William Trollove	002	Support	Retain EW-REQ1 as notified.

³⁰ DPR-0367.117 Orion

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	FS408	Oppose In Part	Accept the submission so long as the values of ONLF are protected.
DPR-0215	Winstone	040	Oppose In Part	Amend as follows: 3. The exercise of discretion in relation to EW-REQ1.2. is restricted to the following matters: a. ... b. any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated; ...
DPR-0422	NCFE	FS092	Support	Allow the submission point
DPR-0217	Summerset Villages	021	Oppose In Part	Amend as follows: 1. The volume of earthworks ... a. All Residential Zone (sites up to 600m²): 150m³ per site. b. <u>All Residential Zone (sites larger than 600m² up to 1500m²): 250m³ per site.</u> c. <u>All Residential Zone (sites greater than 1500m²): 350m³ per site.</u> 3. The exercise of discretion in relation to EWREQ1.2. is restricted to the following matters: ... b. any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated;
DPR-0358	RWRL	FS150	Support	Adopt
DPR-0363	IRHL	FS150	Support	Adopt
DPR-0374	RIHL	FS150	Support	Adopt
DPR-0384	RIDL	FS150	Support	Adopt
DPR-0358	RWRL	253	Support In Part	Amend Table 1: Earthworks Volume by Zone as follows: Large Format Retail Zone 1,000m³ per site <u>5,000m³ per hectare of site area</u> General Industrial Zone 1,000m³ per site <u>5,000m³ per hectare of site area</u>
DPR-0375	NZTA	FS156	Oppose In Part	Council should consider carefully the appropriateness of the proposed increase and whether these earthworks volumes can be suitably managed through permitted activity standards.
DPR-0363	IRHL	242	Support In Part	Amend Table 1: Earthworks Volume by Zone as follows: Large Format Retail Zone 1,000m³ per site <u>5,000m³ per hectare of site area</u> General Industrial Zone 1,000m³ per site <u>5,000m³ per hectare of site area</u>
DPR-0375	NZTA	FS157	Oppose In Part	Council should consider carefully the appropriateness of the proposed increase and whether these earthworks volumes can be suitably managed through permitted activity standards.
DPR-0365	Stuart PC	040	Oppose In Part	Amend the earthworks provisions to better recognise that earthworks occur differently on large sites and where adjoining sites are held in single

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				ownership. The 1000m3 limit should be able to be combined where adjoining sites are in single ownership or a larger amount applied to larger sites.
DPR-0358	RWRL	FS151	Support	Adopt
DPR-0363	IRHL	FS151	Support	Adopt
DPR-0374	RIHL	FS151	Support	Adopt
DPR-0384	RIDL	FS151	Support	Adopt
DPR-0422	NCFF	FS153	Support	Allow submission point.
DPR-0372	Dairy Holdings	098	Oppose In Part	Amend to exclude earthworks undertaken for the installation, maintenance and operation of irrigation infrastructure, or undertaken pursuant to an authorisation under the Flood Protection bylaw.
DPR-0422	NCFF	FS104	Support	Allow the submission point
DPR-0374	RIHL	248	Support In Part	Amend Table 1: Earthworks Volume by Zone as follows: Large Format Retail Zone 1,000m3 per site <u>5,000m3 per hectare of site area</u> General Industrial Zone 1,000m3 per site <u>5,000m3 per hectare of site area</u>
DPR-0375	NZTA	FS162	Oppose In Part	Council should consider carefully the appropriateness of the proposed increase and whether these earthworks volumes can be suitably managed through permitted activity standards.
DPR-0384	RIDL	260	Support In Part	Amend Table 1: Earthworks Volume by Zone as follows: Large Format Retail Zone 1,000m3 per site <u>5,000m3 per hectare of site area</u> General Industrial Zone 1,000m3 per site <u>5,000m3 per hectare of site area</u>
DPR-0375	NZTA	FS163	Oppose In Part	Council should consider carefully the appropriateness of the proposed increase and whether these earthworks volumes can be suitably managed through permitted activity standards.
DPR-0388	Craigmore	050	Oppose In Part	Amend to exclude earthworks undertaken for the installation, maintenance and operation of irrigation infrastructure, or undertaken pursuant to an authorisation under the Flood Protection bylaw.
DPR-0390	RIL	075	Oppose In Part	Amend EW-REQ1 to exclude earthworks undertaken for the installation, maintenance and operation of irrigation infrastructure, or undertaken pursuant to an authorisation under the Flood Protection and Drainage Bylaw 2013 (amended January 2019) or any successor document.
DPR-0441	Trustpower	136	Support In Part	Amend as follows: Table 1: Earthworks Volumes by Zone General Rural Zone - 250m3 per hectare of site area <u>(including adjacent sites of same ownership)</u>
DPR-0453	LPC	051	Support	Retain as notified

Analysis

- 16.2 Metro Port, NZ Pork, JP Singh, William Trolove, and LPC³¹ all seek that the provision be retained as notified. Given my recommendation below, I recommend that these submission points be accepted in part.
- 16.3 Ngāi Tahu Property, RWRL, IRHL, RIHL, and RIDL³² all seek a change in how permitted volumes are measured in the Industrial and Large Format Retail zones. The proposed change would result in an increase in permitted volumes for all lots over 2000sqm, and a decrease for lots under 2000sqm. It is noted that this requirement does not relate to the volume of earthworks associated with building consents. The majority of the area of sites in these zones, which are not covered by buildings, are generally used for sealed parking or loading areas. The proposed limits are considered sufficient to achieve the works needed for these areas. As the submitters have not provided any justification for why the change in measurement is necessary, I recommend that the submission points be rejected.
- 16.4 Stuart PC³³ seeks to either increase permitted volumes on larger lots or combine permitted volumes where properties are held in single ownership. It is not specified as to which zones this request relates however reference to the 1000m³ limit suggest it is some or all of LCZ, TCZ, LFRZ, GIZ and KNOZ. Stuart PC submits that in such instances larger amount of earthworks will typically occur on one site and less on the other site. As this requirement is to manage effects such as amenity and dust, the concentration of earthworks in one section of the site could result in an increase in adverse effects experienced by the closest adjoining sites. Additionally it is considered that the majority of earthworks volumes in these zones would be in relation to a building consent, which is not required to meet this requirement. I recommend that the submission points be rejected.
- 16.5 Winstone and Summerset Villages³⁴ seek the removal of effects relating to sedimentation and water erosion from the matters of discretion, as these effects are the responsibility of regional council and are more appropriately managed under the CLWRP. Summerset Villages also seeks to increase the permitted volumes in residential zones as the site size increases. As residential zones have a higher anticipated amenity than other zones, the impact of larger scale earthworks within these environments have a greater potential to create adverse effects on surrounding sites. Furthermore, large scale activities, such as retirement villages will require resource consent to undertake the activity, so requiring consent for earthwork volumes will not create an unreasonable burden. It is recommended that Winstone submission point be accepted and Summerset Village's submission be accepted in part.
- 16.6 Trustpower³⁵ seeks to amend the permitted volume in the General Rural Zone to be calculated across adjacent sites, where they are under the same ownership. Their reasoning is that Trustpower operates by owning several parcels of land which are often adjacent to each other and the proposed approach could unduly restrict the efficient operation of Trustpower's activities. It is noted that the definition of site does include *'land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council'*. Lots which are under the same ownership but different titles would each be entitled to undertake the permitted levels of earthworks for the respective zone. Any earthworks

³¹ DPR-0068.016 Metro Port, DPR-0122.024 NZ Pork, DPR-0204.004 JP Singh, DPR-0211.002 William Trolove, and DPR-0453.051 LPC

³² DPR-0208.004 Ngāi Tahu Property, DPR-0358.253 RWRL, DPR-0363.242 IRHL, DPR-0374.248 RIHL, and DPR-0384.260 RIDL

³³ DPR-0365.040 Stuart PC

³⁴ DPR-0215.040 Winstone & DPR-0217.021 Summerset Villages

³⁵ DPR-0441.136 Trustpower

which are undertaken under the EI chapter would also not be required to meet the EW chapter rules. It is therefore considered that the current wording would not be unreasonably restrictive of Trustpower's activities, and therefore I recommend the submission should be rejected.

16.7 Dairy Holdings, Craigmere, and RIL³⁶ seeks to amend the permitted volume in the General Rural Zone to exclude work associated with irrigation infrastructure and flooding. It is recommended that these submission points are rejected for the following reasons:

- In relation to earthworks in the Rakaia River, the Council does not have jurisdiction over earthworks undertaken within the beds of lakes and rivers or the CMA. Therefore this rule would not restrict activities or duplicate regional rules. This is recommended to be clarified in the Overview section of the chapter in response to CRC's submission.
- The scale of earthworks outside the beds of rivers, lakes or in the CMA, that fall under flood protection and irrigation schemes could potentially be very large, and in that circumstance it is considered appropriate for the PDP to control the amenity effects of such earthworks.

Recommendations and amendments

16.8 I recommend, for the reasons given above, that the Hearings Panel:

- Amend EW-REQ1 as shown in **Appendix 2** to better reflect jurisdictional concerns in relation to the matters of discretion to be considered.

16.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.10 The scale of change does not require a s32AA evaluation.

17. EW-REQ2 Maximum Slope Gradient

Submissions

17.1 Seven submissions points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	254	Support	Retain as notified
DPR-0363	IRHL	243	Support	Retain as notified
DPR-0372	Dairy Holdings	099	Support	Retain as notified
DPR-0374	RIHL	249	Support	Retain as notified
DPR-0384	RIDL	261	Support	Retain as notified
DPR-0390	RIL	076	Support	Retain as notified.
DPR-0453	LPC	052	Support	Retain as notified

Analysis

17.2 RWRL, IRHL, Dairy Holdings, RIHL, RIDL, RIL and LPC³⁷ all support EW-REQ2 and seek that it be retained as notified.

³⁶ DPR-0372.098 Dairy Holdings, DPR-0388.050 Craigmere, and DPR-0390.075 RIL

³⁷ DPR-0358.254 RWRL, DPR-0363.243 IRHL, DPR-0372.099 Dairy Holdings, DPR-0374.249 RIHL, DPR-0384.261 RIDL, DPR-0390.076 RIL and DPR-0453.052 LPC

Recommendation

17.3 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

18. EW-REQ3 Excavation and Filling

Submissions

18.1 14 submissions points and 21 further submission points were received in relation to EW-REQ3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	SDC	041	Oppose In Part	Amend as follows: 4. The exercise of discretion in relation to EW-REQ3.3 is restricted to the following matters: ... <u>f. the nature and composition of the fill; and</u> <u>g. the degree of compaction required for the anticipated use of the site.</u>
DPR-0215	Winstone	FS023	Oppose	Reject the submission.
DPR-0217	Summerset Villages	FS001	Oppose	Reject submission
DPR-0358	RWRL	FS152	Support	Adopt
DPR-0363	IRHL	FS152	Support	Adopt
DPR-0374	RIHL	FS152	Support	Adopt
DPR-0384	RIDL	FS152	Support	Adopt
DPR-0460	Marama Te Wai	FS028	Support	Again we would prefer a proper AEE to be submitted for a consent and stay away from strict prescription or at least say matters including but not limited to
DPR-0212	ESAI	095	Oppose In Part	Amend as follows: 1. Earthworks, <u>excluding those earthworks associated with offal pits</u> , shall not exceed a maximum
DPR-0142	NZ Pork	FS012	Support	Allow in full
DPR-0372	Dairy Holdings	FS023	Support	Accept the submission.
DPR-0388	Craigmore	FS001	Support	Accept the submission.
DPR-0358	RWRL	255	Support	Retain as notified
DPR-0363	IRHL	244	Support	Retain as notified
DPR-0372	Dairy Holdings	100	Support	Retain as notified
DPR-0374	RIHL	250	Support	Retain as notified
DPR-0383	Oil Companies	018	Oppose In Part	Amend EW-REQ3 as follows: All <u>imported</u> filling of land shall consist of cleanfill material only
DPR-0358	RWRL	FS153	Support	Adopt
DPR-0363	IRHL	FS153	Support	Adopt
DPR-0374	RIHL	FS153	Support	Adopt
DPR-0384	RIDL	FS153	Support	Adopt
DPR-0384	RIDL	262	Support	Retain as notified
DPR-0390	RIL	077	Support	Retain as notified.
DPR-0422	NCCF	234	Oppose In Part	Amend and make any necessary consequential amendments as follows:

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				1. Earthworks, <u>excluding ancillary rural earthworks and those earthworks associated with offal pits, shall not exceed a maximum...</u> '
DPR-0142	NZ Pork	FS020	Support	Allow in full
DPR-0407	Forest & Bird	FS148	Oppose	Reject the submission

Analysis

- 18.2 SDC³⁸ seeks to add additional matters of discretion, to cover additional potential effects. It is recommended that this submission be accepted as it will allow consideration to effects that can result from the use of non-cleanfill. It is recommended that this submission point be accepted.
- 18.3 ESAI and NCFF³⁹ seek to exempt offal pits from requiring to comply with EW-REQ3. Due to the nature of offal pits, I agree that it would not be achievable to have all filling being cleanfill material. It is recommended that this submission point be accepted.
- 18.4 Oil Companies⁴⁰ seek to amend this requirement so that only fill which is imported onto the site needs to be cleanfill. It is recommended that this submission point be rejected as the appropriateness of noncleanfill materials needs to be considered, especially in the higher amenity zones and to ensure the likely intended activities are not compromised.
- 18.5 RWRL, IRHL, Dairy Holdings, RIHL, RIDL, and RIL⁴¹ are all seeking that EW-REQ3 be retained as notified. It is recommended that these submission points be accepted in part on the basis that I am recommending amendments to this provision.

Recommendations and amendments

- 18.6 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EW-REQ3 as shown in **Appendix 2** to include appropriate matters of discretion.
- 18.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 18.8 The scale of change does not require a s32AA evaluation.

19. EW-REQ4 Rehabilitation and Reinstatement

Submissions

- 19.1 Eight submissions points and seven further submission points were received in relation to EW-REQ4.

³⁸ DPR-0207.041 SDC

³⁹ DPR-0212.095 ESAI, & DPR-0422.234 NCFF

⁴⁰ DPR-0383.018 Oil Companies

⁴¹ DPR-0358.255 RWRL, DPR-0363.244 IRHL, DPR-0372.100 Dairy Holdings, DPR-0374.250 RIHL, DPR-0384.262 RIDL, and DPR-0390.077 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	096	Oppose In Part	Amend EW-REQ4 to insert at the end: <u>This requirement does not apply to earthworks associated with offal pits.</u>
<i>DPR-0142</i>	<i>NZ Pork</i>	<i>FS013</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0372</i>	<i>Dairy Holdings</i>	<i>FS024</i>	<i>Support</i>	<i>Accept the submission.</i>
<i>DPR-0388</i>	<i>Craigmore</i>	<i>FS002</i>	<i>Support</i>	<i>Accept the submission.</i>
DPR-0353	Hort NZ	202	Oppose In Part	Amend as follows: 1. No more than twelve months after the earthworks commenced and on completion of the earthworks, the area of land disturbed as a result of earthworks activities is to be built upon, sealed with hardstand material, landscaped, or re-contoured and replanted or <u>other erosion resistant state.</u>
<i>DPR-0215</i>	<i>Winstone</i>	<i>FS024</i>	<i>Support</i>	<i>Accept the submission.</i>
<i>DPR-0422</i>	<i>NCFE</i>	<i>FS045</i>	<i>Support</i>	<i>Allow the submission point</i>
DPR-0358	RWRL	256	Support	Retain as notified
DPR-0363	IRHL	245	Support	Retain as notified
DPR-0374	RIHL	251	Support	Retain as notified
DPR-0384	RIDL	263	Support	Retain as notified
DPR-0390	RIL	078	Support	Retain as notified.
DPR-0422	NCFE	235	Oppose In Part	Amend by inserting at the end of EW-REQ4 and make any necessary consequential amendments: <u>This requirement does not apply to ancillary rural earthworks associated with offal pits.</u>
<i>DPR-0142</i>	<i>NZ Pork</i>	<i>FS021</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS149</i>	<i>Oppose</i>	<i>Reject the submission</i>

Analysis

- 19.2 RWRL, IRHL, RIHL, RIDL, and RIL ⁴²seek to retain EW-REQ4 as notified. I recommend these submission points be accepted in part given that I am recommending amendments to this provision.
- 19.3 ESAI and NCFE⁴³ seek to include an exception for offal pits. As offal pits may be required to be open for more than 12 months and the CLWRP offers control around their location and nature, it is considered appropriate to exempt them from meeting this requirement. I recommend these submission point is accepted.
- 19.4 Hort NZ⁴⁴ seek an amendment to include the provision of 'other erosion resistant states'. The inclusion of this amendment would add uncertainty as to what is considered effective erosion resistance. It also does not address potential adverse amenity effects on the environment, especially in higher amenity areas, such as residential zones. I therefore recommend that the submission points be rejected.

⁴² DPR-0358 RWRL, DPR-0363.245 IRHL, DPR-0374.251 RIHL, DPR-0384.263 RIDL, and DPR-0390.078 RIL

⁴³ DPR-0212.096 ESAI, DPR-0422.235 NCFE

⁴⁴ DPR-0353.202 Hort NZ

Recommendations and amendments

19.5 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EW-REQ4 as shown in **Appendix 2** to provide better clarity.

19.6 The amendments recommended to EW-REQ4 are set out in a consolidated manner in **Appendix 2**.

19.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

19.8 The scale of change does not require a s32AA evaluation.

20. EW-REQ5 Bunding

Submissions

20.1 Six submissions points were received in relation to EW-REQ5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	041	Oppose	Amend as follows: 1. Earth bunds for noise attenuation or screening are less <u>no more</u> than 3m in height. 3. The exercise of discretion in relation to EW-REQ5.2. is restricted to the following matters: a. the potential for adverse visual amenity <u>effects and shading over adjoining residential property</u> , nuisance and post development flood and drainage effects on the functioning of natural biological and physical processes; <u>and</u> <u>b. the effectiveness of any proposed measures to initially and permanently stabilise the bund.</u>
DPR-0358	RWRL	257	Support	Retain as notified
DPR-0363	IRHL	246	Support	Retain as notified
DPR-0374	RIHL	252	Support	Retain as notified
DPR-0384	RIDL	264	Support	Retain as notified
DPR-0390	RIL	079	Support	Retain as notified.

Analysis

20.2 Winstone⁴⁵ proposes the following changes to EW-REQ5:

- To amend the maximum permitted height from “less than 3m” to “no more than 3m”. While a minor change, it is considered that the change will result in clearer referencing on application plans with no discernible difference of effects caused.
- To replace the use of ‘nuisance’ with alternative wording to better clarify type of effects. As the matters of discretion relate to the height of the bund, it is considered that the proposed wording is more appropriate to address the related effects.
- To remove reference to flooding and drainage effects. The s42A report for Natural Hazards makes recommendations that the relevant earthworks rules meet NH-REQ4, as further outlined in section 26, below. The adoption of this recommendation is considered the most

⁴⁵ DPR-0215.041 Winstone

effective and efficient approach to link the effects of earthworks on flood flows while retaining the activity in the EW chapter.

20.3 I therefore recommend that these submission points be accepted in part.

20.4 RWRL, IRHL, RIHL, RIDL and RIL⁴⁶ all support SUB-REQ5 and seek that it be retained as notified. I recommend these submission point is accepted in part on the basis of the recommendations above.

Recommendations and amendments

20.5 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EW-REQ5 as shown in **Appendix 2** to provide better clarity and connection to the NH chapter.

20.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

20.7 The scale of change does not require a s32AA evaluation.

21. Non-notification clauses

Introduction

21.1 No rules in the EW Chapter specifically exclude public or limited notification.

Submissions

21.2 Four submissions points and 29 further submission points were received in relation to non-notification clauses.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	416	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS202	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trice Road	FS933	Support	Accept submission
DPR-0371	CIAL	FS054	Support In Part	Accept in part
DPR-0375	NZTA	FS340	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS127	Support	Not Specified
DPR-0453	LPC (LPC)	FS054	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS023	Support	Accept submission

⁴⁶ DPR-0358.257 RWRL, DPR-0363.246 IRHL, DPR-0374.252 RIHL, DPR-0384.264 RIDL and DPR-0390.079 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0363	IRHL	436	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS231	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trice Road	FS962	Support	Accept submission
DPR-0371	CIAL	FS152	Support In Part	Accept in part
DPR-0375	NZTA	FS342	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS156	Support	Not Specified
DPR-0422	NCFF	FS209	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	LPC (LPC)	FS150	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS052	Support	Accept submission
DPR-0374	RIHL	482	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS269	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trice Road	FS996	Support	Accept submission
DPR-0371	CIAL	FS083	Support In Part	Accept in part
DPR-0375	NZTA	FS343	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS190	Support	Not Specified
DPR-0453	LPC (LPC)	FS083	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS086	Support	Accept submission
DPR-0384	RIDL	515	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules:

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS304	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trice Road	FS1023	Support	Accept submission
DPR-0371	CIAL	FS116	Support In Part	Accept in part
DPR-0375	NZTA	FS344	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS224	Support	Not Specified
DPR-0453	LPC (LPC)	FS116	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS120	Support	Accept the submission

Analysis

21.3 RWRL, IRHL, RIHL and RIDL⁴⁷ submitted seeking non-notification clauses be added to all controlled and restricted discretionary activities: “Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.” There are no controlled activities in the EW Chapter. The restricted discretionary activities include: EW-R5.2 and where requirements REQ1-REQ5 are not met. It is considered that in association with all of these activities there is the potential for adverse effects to potentially be more than minor and for neighbouring properties, communities, or the wider district to be potentially directly affected. Therefore, additional non-notification clauses in the EW Chapter are not supported and it is recommended that these submission points be rejected.

Recommendation

- 21.4 I recommend, for the reasons given above, that the Hearings Panel retain the EW Chapter as notified with respect to non-notification clauses.
- 21.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

22. Rural Ancillary Earthworks

Introduction

22.1 Hort NZ have made submissions on several sections of the Earthworks chapter relating to Ancillary Rural Earthworks. These have been consolidated into this section to avoid repetition.

Submissions

⁴⁷ DPR-0358.416 RWRL, DPR-0363.436 IRHL, DPR0374.482 RIHL and DPR-0384.515 RIDL

22.2 Nine submissions points and 31 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	Hort NZ	060	New	Support	Insert as follows: <u>Ancillary rural earthworks means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks/roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).</u>
DPR-0142	NZ Pork	FS024	New	Support	Allow in full
DPR-0212	ESAI	FS013	New	Support In Part	Allow in part with 'irrigation infrastructure works' added.
DPR-0372	Dairy Holdings	FS033	New	Support	Accept the submission.
DPR-0388	Craigmore	FS005	New	Support	Accept the submission.
DPR-0407	Forest & Bird	FS475	New	Oppose In Part	Reject the submission
DPR-0407	Forest & Bird	FS485	New	Oppose	Reject the submission
DPR-0353	Hort NZ	165	EW-01	Support	Amend as follows: Enable temporary, small-scale earthworks activities, <u>including ancillary rural earthworks</u> , while managing those with the potential to create adverse visual amenity, sediment, and nuisance effects beyond site boundaries.
DPR-0407	Forest & Bird	FS491	EW-01	Oppose	Reject the submission
DPR-0422	NCCF	FS046	EW-01	Support	Allow the submission point
DPR-0353	Hort NZ	120	SASM-P1	Support In Part	Amend as follows: ... d. limiting earthworks, <u>other than ancillary rural earthworks</u> , to those areas that have been previously disturbed by cultivation, building foundations or other earthworks, and controlling the depth of any excavation;
DPR-0372	Dairy Holdings Limited	FS039	SASM-P1	Support	Accept the submission.
DPR-0407	Forest & Bird	FS487	SASM-P1	Oppose	Reject the submission
DPR-0422	NCCF	FS235	SASM-P1	Support	Allow the submission point
DPR-0353	Hort NZ	201	EW-REQ3	Oppose In Part	Insert a permitted activity rule for ancillary rural earthworks that is not subject to EW-REQ3.
DPR-0372	Dairy Holdings Limited	FS040	EW-REQ3	Support	Accept the submission.

DPR-0388	Craigmore Farming Services Limited	FS009	EW-REQ3	Support	Accept the submission.
DPR-0407	Forest & Bird	FS495	EW-REQ3	Oppose	Reject the submission
DPR-0353	Hort NZ	206	New-Policy	Support	Insert as follows: <u>Enable earthworks where they support rural activities, including ancillary rural earthworks.</u>
DPR-0372	Dairy Holdings	FS041	New	Support	Accept the submission.
DPR-0388	Craigmore	FS010	New	Support	Accept the submission.
DPR-0407	Forest & Bird	FS492	New	Oppose	Reject the submission
DPR-0353	Hort NZ	207	New- Rule	Support	Insert as follows: <u>EW-RX Ancillary Rural Earthworks</u> <u>General Rural Zone</u> <u>Activity status: PER</u> <u>Ancillary rural earthworks</u>
DPR-0212	ESAI	FS080	New	Support	Allow in full
DPR-0372	Dairy Holdings	FS042	New	Support	Accept the submission.
DPR-0388	Craigmore	FS011	New	Support	Accept the submission.
DPR-0407	Forest & Bird	FS824	New	Oppose	Reject the submission
DPR-0353	Hort NZ	208	EW-R2	Support	Retain as notified, subject to a specific permitted activity rule for ancillary rural earthworks.
DPR-0407	Forest & Bird	FS493	EW-R2	Oppose	Reject the submission
DPR-0353	Hort NZ	209	EW-REQ1	Oppose In Part	Insert a permitted activity rule for ancillary rural earthworks that is not subject to a volume based permitted activity standard.
DPR-0212	ESAI	FS081	EW-REQ1	Support	Allow in full
DPR-0372	Dairy Holdings	FS043	EW-REQ1	Support	Accept the submission.
DPR-0388	Craigmore	FS012	EW-REQ1	Support	Accept the submission.
DPR-0407	Forest & Bird	FS494	EW-REQ1	Oppose	Reject the submission
DPR-0353	Hort NZ	201	EW-REQ3	Oppose In Part	Insert a permitted activity rule for ancillary rural earthworks that is not subject to EW-REQ3.
DPR-0372	Dairy Holdings	FS040	EW-REQ3	Support	Accept the submission.
DPR-0388	Craigmore	FS009	EW-REQ3	Support	Accept the submission.
DPR-0407	Forest & Bird	FS495	EW-REQ3	Oppose	Reject the submission
DPR-0422	NCCF	228	EW-P1	Support	Amend as follows: Enable temporary, small-scale earthworks activities, including ancillary rural earthworks, while managing those with the potential to create adverse visual amenity, sediment, and nuisance effects beyond site boundaries.
DPR-0142	NZ Pork	FS018	EW-P1	Support	Allow in full
DPR-0422	NCCF	232	New	Neither Support Nor Oppose	Insert as follows: Enable earthworks where they support primary production activities, including ancillary rural earthworks.
DPR-0142	NZ Pork	FS019	New	Support	Allow in full

DPR-0372	Dairy Holdings	FS064	New	Support	Accept the submission.
DPR-0407	Forest & Bird	FS146	New	Oppose	Reject the submission

Analysis

- 22.3 Hort NZ⁴⁸ seeks the inclusion of ancillary rural earthworks within the Policy, Rule and Rule Requirement sections of the Earthworks chapter.
- 22.4 Hort NZ and NCFF⁴⁹ seek to amend EW-P1 to specifically reference enabling ancillary rural earthworks. It is noted that in their submission Hort NZ referenced EW-O1 on this submission point, however the amended text relates to EW-P1.
- 22.5 In regard to the changes to the Objective, and Policies, it is recommended that the submission points be rejected as the existing objective and policies acknowledge the necessity of earthworks, making the changes unnecessary.
- 22.6 In regard to creating a new rule for ancillary rural earthworks which has no volume requirement, it is recommended that the submission points be rejected for the following reasons:
- The volume requirements specifically exclude those related to building consents as well as cultivation and works for fence posts. While it is anticipated that works are required in the General Rural Zone beyond these activities, the permitted volume is intended to provide for this while ensuring that the effects of large scale works can be appropriately managed.
 - The Operative District Plan contains volume requirements, measured on a per project basis. Despite this, the number of resource consents applied for, relating to general rural earthworks, is minimal. This suggests that volume requirements will not create an unnecessary burden in applying for resource consents.
 - Hort NZ refers to the Proposed Waikato District Plan to exemplify how the activity should be managed. It is noted that that this plan is still at the hearings stage and therefore could be subject to change. The definition used in that plan includes activities excluded from the definition of earthworks in the PDP.
- 22.7 Hort NZ seeks the inclusion of a definition for 'Ancillary Rural Earthworks', in relation to their other related submissions discussed above. As it is recommended that these submissions be rejected, the inclusion of the definition is not necessary and therefore it is recommended that the submission point is rejected.
- 22.8 The Right of Reply Report for Contaminated Land and Hazardous Substances⁵⁰ makes recommendations to insert a new chapter within the Hazards and Risk section of the PDP called BIOS – Biosecurity and that all of the relevant provisions relating to biosecurity matters be moved into it. For the reasons set out in that report, I agree with those recommendations.

Recommendation

⁴⁸ DPR-0353.165,120, 201, 208, 209, & 201

⁴⁹ DPR-0353.207 and DPR-232.228 &232

⁵⁰ [Right of Reply Report](#) - Contaminated Land and Hazardous Substances Page 3, section 2.4

22.9 I recommend, for the reasons given above, that the Hearings Panel do not insert the ancillary rural earthworks provisions requested, as outlined above.

22.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

23. Dairy Processing Zone

Introduction

23.1 This section responds to the submission points relating to earthworks within the DPZ. These are in relation to the rules relating to earthworks subject to building consent as well as all other earthworks in the zone, and to the excavation and filling requirement.

Submissions

23.2 Four submissions points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra	059	EW-REQ3	Oppose In Part	Amend as follows: All zones excluding PORTZ <u>and DPZ</u>
DPR-0209	M Singh	FS791	EW-REQ3	Oppose In Part	Reject submission in part
DPR-0420	Synlait Milk	006	EW-R1	Oppose In Part	Amend as follows: And this activity complies with the following rule requirements: EW-REQ3 – Excavation and filling
DPR-0370	Fonterra	FS015	EW-R1	Support	Accept the submission.
DPR-0375	NZTA	FS164	EW-R1	Oppose	Retain as notified.
DPR-0420	Synlait Milk	007	EW-R4	Oppose In Part	Amend as follows: And this activity complies with the following rule requirements: EW-REQ3 – Excavation and filling
DPR-0370	Fonterra	FS016	EW-R4	Support	Accept the submission.
DPR-0375	NZTA	FS165	EW-R4	Oppose	Retain as notified.
DPR-0420	Synlait Milk	008	EW-REQ3	Oppose In Part	Amend as follows: All Zones excluding PORTZ <u>and DPZ</u> PORTZ <u>and DPZ</u> .

Analysis

23.3 Synlait Milk⁵¹ seeks to remove the requirement for earthworks in the DPZ to meet REQ3, for both rule EW-R1 and EW-R2, as the conditions of the soil and groundwater are already understood and the regional rules already introduce consenting requirements. Alternatively Synlait Milk, along with Fonterra⁵², seek that EW-REQ3 be amended to require earthworks in the DPZ to have the same depth requirements as the PORTZ. Given the known conditions of the DPZ sites and their location in areas where earthworks impact amenity to a lesser degree, it is considered that the use of the PORTZ excavation requirements in the DPZ is appropriate, while still some permitted parameters. It is

⁵¹ DPR-420.006 & 007 Synlait Milk

⁵² DPR-442.008 Synlait Milk and DPR-370.059 Fonterra

therefore recommended that Fonterra's submission is accepted and Synlait Milk's submission is accepted in part.

Recommendations and amendments

23.4 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EW-REQ3 as shown in **Appendix 2** to align the DPZ and PORTZ requirements.

23.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

23.6 The scale of change does not require a s32AA evaluation.

24. Quarries

Submissions

24.1 Five submissions points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0122	Frews Quarries	024	EW-REQ1	Oppose In Part	Amend the provisions of the proposed plan to clarify that rules that regulate earthworks do not apply to quarry operations managed under Rule GRUZ-REQ21.
DPR-0122	Frews Quarries	025	EW-REQ2	Oppose In Part	Amend to clarify that rules that regulate earthworks do not apply to quarry operations managed under Rule GRUZ-REQ21.
DPR-0422	NCCF	FS149	EW-REQ2	Neither Support Nor Oppose	<i>That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.</i>
DPR-0122	Frews Quarries	026	EW-REQ3	Oppose In Part	Amend to clarify that rules that regulate earthworks do not apply to quarry operations managed under Rule GRUZ-REQ21.
DPR-0422	NCCF	FS150	EW-REQ3	Neither Support Nor Oppose	<i>That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.</i>
DPR-0122	Frews Quarries	027	EW-REQ4	Oppose In Part	Amend to clarify that rules that regulate earthworks do not apply to quarry operations managed under Rule GRUZ-REQ21.
DPR-0422	NCCF	FS151	EW-REQ4	Neither Support Nor Oppose	<i>That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.</i>
DPR-0122	Frews Quarries	028	EW-REQ5	Oppose In Part	Amend to clarify that rules that regulate earthworks do not apply to quarry operations managed under Rule GRUZ-REQ21.
DPR-0422	NCCF	FS152	EW-REQ5	Neither Support Nor Oppose	<i>That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.</i>

Analysis

- 24.2 Frews Quarries⁵³ submitted against all the Requirements in the Earthworks chapter seeking to exclude quarrying operations from the earthwork provisions, seeking instead that quarry activities are only subject to GRUZ-R21. It is recommended that these submission points are accepted as GRUZ-R21 includes earthwork activities and the related effects, so requiring consent under the earthworks would result in unnecessary duplication of consents while offering no increase in assessment.

Recommendations and amendments

- 24.3 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EW-R2 as shown in Appendix 2 to provide better clarity and improve user understanding.
- 24.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 24.5 The scale of change does not require a s32AA evaluation.

25. Subdivision

Introduction

- 25.1 This section responds to the submission points relating to earthworks relating to subdivision.

Submissions

- 25.2 Two submissions points and 17 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0207	Selwyn District Council	038	SUB-REQ12	Oppose	<p>Delete SUB-REQ12 and any references to it within the Proposed District Plan and insert new rule with SUB-REQ12 forming the basis:</p> <p><u>SUB-RX Land Disturbance and Earthworks for Subdivision</u></p> <p><u>All Zones</u></p> <p><u>1. Land disturbance or earthworks directly associated the development of land for subdivision.</u></p> <p><u>Where:</u></p> <p><u>a. The maximum area of land subject to the works is 1,000m².</u></p> <p><u>Activity status where compliance not achieved:</u></p> <p><u>2. When compliance with any of SUB-RX.1 is not achieved: RDIS</u></p> <p><u>Matters for discretion:</u></p> <p><u>3. The exercise of discretion in relation to SUB-RX.1 is</u></p> <p><u>restricted to consideration of:</u></p> <p><u>a. any adverse effects from the</u></p>

⁵³ DPR-0122.025-027 Frews Quarries

					<u>earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy from raising ground levels;</u> <u>b. any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated;</u> <u>c. the amenity effects on neighbouring properties, and on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks can be avoided or mitigated;</u> <u>d. any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table;</u> <u>e. any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site;</u> <u>f. the degree to which the resultant levels are consistent with the surrounding environment;</u> <u>g. the need for a Construction Management Plan (including a Dust Management Plan), containing procedures, which shall be implemented, that establish management and mitigation measures for the activity that ensure that any potential adverse effects beyond the property boundary are avoided, remedied, or mitigated.</u>
DPR-0358	Rolleston West Residential Limited (RWRL)	FS139	SUB-REQ12	Oppose	Reject
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS139	SUB-REQ12	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS139	SUB-REQ12	Oppose	Reject
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS139	SUB-REQ12	Oppose	Reject
DPR-0460	Marama Te Wai	FS027	SUB-REQ12	Oppose In Part	The rule appears too prescriptive - need an AEE for each activity to the satisfaction of the SDC in issuing an RC
DPR-0414	Kāinga Ora	133	SUB-REQ12	Oppose	Delete as notified
DPR-0157	Kevin & Bonnie Williams	FS199	SUB-REQ12	Oppose In Part	Reject the submission in part

DPR-0209	Manmeet Singh	FS389	SUB-REQ12	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS159	SUB-REQ12	Oppose In Part	Reject submission
DPR-0358	Rolleston West Residential Limited (RWRL)	FS142	SUB-REQ12	Support	Adopt
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS142	SUB-REQ12	Support	Adopt
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS142	SUB-REQ12	Support	Adopt
DPR-0375	Waka Kotahi NZ Transport Agency	FS154	SUB-REQ12	Oppose	Retain as notified.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS142	SUB-REQ12	Support	Adopt
DPR-0461	Dunweavin 2020 Ltd	FS185	SUB-REQ12	Oppose In Part	Reject submission
DPR-0492	Kevler Development Ltd	FS555	SUB-REQ12	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS179	SUB-REQ12	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings Ltd	FS070	SUB-REQ12	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

Analysis

25.3 Kāinga Ora⁵⁴ requests that SUB-REQ12 be deleted in full, with earthworks managed by the Earthworks Chapter, while the Council⁵⁵ requests that SUB-REQ12 be deleted and replaced with an equivalent rule in the Subdivision Chapter. While the Planning Standards require all subdivision provisions to be located in the Subdivision Chapter, they also require all provisions for managing earthworks to be located in the Earthworks Chapter.

25.4 These submissions were discussed with the Subdivision Topic Lead. It was agreed that, in line with the Council submission, earthworks associated with subdivision are a related but separate activity from the action of subdivision, and that it is therefore appropriate to move the provisions to a rule, rather than rule requirement, status. I therefore recommend that the Kāinga Ora and the Council

⁵⁴ DPR-0414.133 Kāinga Ora

⁵⁵ DPR-0207.038 The Council

submission points be accepted in part and the following amendments be made to the PDP as shown in Appendix 2:

- SUB-P10 be moved to the Earthworks Chapter and become EW-P5, so that the rule and its associated policy are in the same Chapter (no change to policy text, just its location within the PDP).
- SUB-REQ12 be deleted and consequentially references to it be deleted from each Subdivision Chapter rule where it appears.
- New EW-R6 be inserted, with the text based on the Council #238 submission point, and each of EW-R2, EW-R3 and EW-R4 amended to clarify that they do not apply to earthworks subject to EW-R6.

Recommendations and Amendments

- 25.5 I recommend, for the reasons given above, that the Hearings Panel amend the PDP as described above and as shown in **Appendix 2**, in order to better align with the Planning Standards, and to clarify which earthworks rules apply in which circumstances as they relate to subdivision.
- 25.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 25.7 The nature of the recommended change does not require a s32AA evaluation.

26. Natural Hazards

Submissions

- 26.1 One submissions point was received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora	063	NH-R3	Support In Part	Shift the earthworks provision to the Earthworks chapter

Analysis

- 26.2 The s42A report for Natural Hazards⁵⁶ makes recommendations that NH-R3 be removed and EW-R1, EW-R2, EW-R4, and EW-R5 be subject to NH-REQ4, for the reasons set out in that report. I agree with those recommendations.

Recommendations and Amendments

- 26.3 I recommend, for the reasons given above, that the Hearings Panel amend the PDP as described above and as shown in **Appendix 2**, in order to better align with the Planning Standards, and to clarify which earthworks rules apply in which circumstances, as they relate to subdivision.
- 26.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁵⁶ [Section 42A Report – Natural Hazards](#), Section 17.57

26.5 The nature of the recommended change does not require a s32AA evaluation.

27. Conclusion

27.1 For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.